**HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE**
**AND**
**HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION NO. 8508 OF 2007**

**BETWEEN:**

B.N.Paul

.....Petitioner

**And**

The Government of Andhra Pradesh and others

.....Respondents

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**:: O R D E R ::**

Counsel for the Petitioner : Shri S. Ramachandra Rao,
Senior Advocate assisted by
Shri B. Srinivas

25th April 2007

**Per G.S. SINGHVI, CJ**

In this petition filed under Article 226 of the Constitution of India,

the petitioner has prayed for setting aside the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal') for issue of notice before admission in O.A.No.2156 of 2007. He has further prayed for issue of a mandamus to the respondents to absorb him as Hostel Welfare Officer in the Department of Backward Class Welfare.

A perusal of the record shows that while he was posted as Teacher in Panchayat Samithi, Maldakal, Mahabubnagar District, District Collector, Mahabubnagar (respondent No.3) vide his order dated 13.09.2002 transferred and posted the petitioner as Hostel Welfare Officer on deputation in the Department of Backward Class Welfare. The tenure of the petitioner's deputation was only one year, but he was continued on the post of Hostel Welfare Officer. After four years and seven months, respondent No.3 issued order dated 11.04.2007 for repatriation of the petitioner to the parent department. He challenged the same by filing an application under Section 19 of the Administrative Tribunals Act, 1985 (for short, 'the Act'), which is registered as O.A.No.2156 of 2007 and is pending before the Tribunal.

After scrutiny of the application, the Tribunal directed issue of notice to the respondents, but did not grant interim relief by suspending the operation of order dated 11.04.2007. On the very next day, the petitioner filed this petition for grant of relief to which reference has been made in the opening paragraph of this order. He has also applied for interim relief.

We have heard Shri S. Ramachandra Rao, Senior Advocate appearing for the petitioner and perused the record. At this stage, we do not want to express any opinion on the merits and demerits of the petitioner's claim for absorption on the post of Hostel Welfare Officer in the Department of Backward Class Welfare because the application filed by him questioning the legality of the order of repatriation to the

parent department is pending adjudication before the Tribunal. The question whether the petitioner, who was sent on deputation to the Department of Backward Class Welfare, has got the right to be permanently absorbed in the new department and whether he has been subjected to discrimination will be decided by the Tribunal after considering the rival pleadings and the relevant rules. Therefore, it will be wholly inappropriate on our part to make any observation on that issue.

Insofar as the petitioner's prayer for interim relief is concerned, we are convinced that there is no warrant for entertaining the same simply because the Tribunal did not pass interim order. The provisions contained in the Act do not control or regulate the discretion vested in the Tribunal to grant interim relief to the applicant and in the absence of any statutory embodiment to that effect, we do not see any reason to interfere with the discretion exercised by the Tribunal to issue only notice before admission.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.10922 of 2007 filed by the petitioner for interim relief is also dismissed.

**G.S. SINGHVI, CJ**

**C.V. NAGARJUNA REDDY, J**

25.04.2007
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